

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent of
Alexander Goen Szymalski
Patent No. 6,431,874
Issued: August 13, 2002
For: Stop Smoking Method and Composition

AUG 12 2003

37 CFR 1.501

Director's Office

Group 3700

(3rd part)

SUBSTITUTE *Submission of Prior Art Under 37 CFR 1.501

BY FAX: 703-305-3762
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Group 3700 -Ethel Rollins-Cross
Steve Marcus

Hon. Commissioner:

The undersigned herewith submits in the above-identified patent the following prior art (including copies thereof) which is pertinent and applicable to the patent and is believed to have a bearing on the patentability of at least claims 1-5, and 7 thereof:

1. Goen "Stop Smoking with Hypnosis in Just 2 Hours" advertisement ©1995
2. Goen Seminars Stop Smoking Workbook © Goen Seminars 1995 *
3. Gorayeb "Stop Smoking with Hypnosis in Just 2 Hours" advertisement ©1995
4. Gorayeb Seminars Stop Smoking Seminar Workbook © Gorayeb Seminars, Inc. 1996

Each of the Goen and Gorayeb workbook publications discloses the elements (A), (B), and (C) in claims 1 and 3, the element (D) in claims 5 and 7; and the "prerecorded media" of claims 2 and 4. Each of the Goen and Gorayeb advertisement publications is made of record to place the Stop Smoking workbooks in their actual perspective as adjuncts to the hypnosis/education seminars on how to "STOP SMOKING WITH HYPNOSIS."

* 1997 GOEN WORKBOOK SUBMITTED EARLIER TODAY INSTEAD OF 1995 WORKBOOK ENCLOSED HEREWITH

I GOEN STOP SMOKING WORKBOOK ©1995

The 1995 Goen Seminars Stop-Smoking workbook was provided to attendees at the Goen "Stop-Smoking with Hypnosis in 2 Hours" Seminars (see Goen ©1995 advertisement).

The element (A) in claims 1 and 3, education as to the disadvantages of smoking and conscious techniques to stop smoking is taught at pages 2-⁷ of the Goen workbook.

The hypnosis element (B) of claims 1 and 3 is clearly referenced at page 1² as "one of the safest and most effective methods to quit smoking permanently."

The element (C) of claims 1 and 3 "anti-smoking drug" (lobelia in the '874 patent specification) is specifically referenced as "Smokers' Tea" and "Lobelia" at page 4⁶, paragraph 3 of the 1995 Goen workbook.

In addition, in the context of the '874 specification, 500 mg of calcium and 100 mg of magnesium (Cal Mag) are an "anti-smoking drug" and/or a "weight control product" as is a "B complex supplement, preferably one that contains Biotin," as is "a good vitamin supplement" (all referenced on page 6 of the 1995 ~~Gorayeb~~ Goen workbook). Thus element (D) of claims 5 and 7 is also anticipated by the Goen workbook.

The claim element of "prerecorded media" in claims 2 and 4, i.e. the "Smoking Cessation" tape, is referenced at page 6, paragraph 1 of the 1995 Goen workbook.

II GORAYEB STOP SMOKING WORKBOOK© 1996

Specifically, the 1996 Gorayeb Workbook distributed at Gorayeb "Stop Smoking with Hypnosis Seminars" (see 1995 advertisement) teaches the claim element (A) educational program as to disadvantages of smoking and conscious techniques to stop smoking at pages RG00002 to RG00008.

The 1996 Gorayeb workbook is an integral element of Gorayeb "Stop Smoking with Hypnosis" Seminars in which Mr. Gorayeb, a practicing hypnotist (see page RG000002 and page RG000010) or one of the other seven Gorayeb Seminars hypnotherapists identified at page RG000010, hypnotized the attendees to train smokers' subconscious minds to discourage the tobacco smoker from smoking. The 1996 Gorayeb Seminars workbook itself discloses the provision of "Special Hypnosis Tapes" at page RG000009 for use by an attendee in stop smoking programs.

The 1996 Gorayeb workbook teaches the provision of (C) an anti-smoking drug to aid in reduction or cessation of a craving to smoke; see page RG000009 where Cal. Mag./B-Complex is identified as well as "Stop Smoking Lozenges," both clearly being

"anti smoking drugs" or "anti-smoking substances" within the purview of the '874 specification.

Claims 2 and 4 are anticipated by the "Stop Smoking Tape" identified at page RG000002 of the Gorayeb workbook.

Claims 5 and 7, element (D), are anticipated by the well known weight control product "chromium picolinate" identified on page RG000009 of the Gorayeb workbook

III SUMMARY

Clearly, the claims 1-5 and 7 are fully anticipated under 35 USC §102 by the enclosed publications, all of which were known to and in the possession of the applicant Alexander Goen Sznalski a/k/a Alex Goen) at the time of filing and prosecuting the original application for patent 6,431,874.

Respectfully submitted,

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8/12/03

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing "Submission of Prior Art Under 37 CFR 1.501" has been served by first-class mail, postage prepaid, this 12th day of August, 2003, upon:

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